



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1221-99

18 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Naval Reserve on 23 January 1980 and on 31 January 1980 began a three year period of active duty. Your record reflects that you served for nearly a year without incident but on 9 January 1981 you received nonjudicial punishment (NJP) for a seven day period of unauthorized absence (UA). The punishment imposed was restriction and extra duty for 20 days, forfeitures totalling \$100, and reduction to paygrade E-2, which was suspended for six months. On 24 October 1981 you received NJP for possession of marijuana and were awarded restriction for 45 days and a \$300 forfeiture of pay.

Your record further reflects that on 23 March 1982 you were convicted by summary-court-martial (SCM) of two incidents of failure to obey a lawful order and theft of government property. You were sentenced to confinement at hard labor for 30 days and reduction to paygrade E-2. On 27 August 1982 you received a third NJP for defrauding the government and were awarded extra duty for 10 days and a \$50 forfeiture of pay.

On 5 February 1983, at the expiration of your enlistment, you were released from active duty under honorable conditions. Subsequently, upon completion of your military obligation service you were issued a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.5. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant a change in your discharge given the serious nature of your frequent misconduct, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director